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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,882	12/16/2003	David L. Poole	047717/274812	5731
826	7590	11/04/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/736,882	Applicant(s) POOLE, DAVID L.	
	Examiner Anthony H. Nguyen	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 23-30, 34, 35 and 49-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 49-55 is/are allowed.
- 6) ☒ Claim(s) 23-30, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The terminal disclaimer filed on September 01, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the US Patent No.6,848,845 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-30, 34,35 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Hamisch et al. (US 5,772,341) in view of Cram et al. (US 6,617,007).

With respect to claim 23, Hamisch et al. teaches a ribbon cartridge 24 having a housing 25 (Hamisch et al., Figs. 2 and 3), a hollow core C1 for receiving a roll of donor ribbon (IR), a clutch 144 having a friction component 145 that engages with the inner surface 146 of the core C1, a resilient component located between the friction component and the one end of the clutch which is externally constrained by a surface 134 of a restraining structure 136,132. The restraining structure also supports the core as shown in Figs.12 and 13 of Hamisch et al. Hamisch et al. does not teach the

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resilient component which stores a torsional energy by twisting elastically when the ribbon is withdrawn. Cram et al. teaches a cartridge housing having a resilient member 228 which stores a torsional energy as shown in Figs. 7-12 of Cram et al. In view of the teaching of Cram et al., it would have been obvious to one of ordinary skill in the art to modify the ribbon cartridge of Hamisch et al. by providing the resilient member as taught by Cram et al. to improve the efficiency of feeding a ribbon to a print head for printing. With respect to claims 24-27 and 35, Hamisch et al. teaches the friction component 145 and the resilient component (between the surfaces 134 and 140) which are parts of a common member 144 (Hamisch et al., Fig.12, col.5 lines 64-66), the restraining structure 136 which constitutes a support independent of the core C1 and the clutch 144, the roll of ribbon which is supported on a shaft integrated by a shaft member 132 and a shaft 137 (Hamisch et al., Fig.11, col.5 line 51) and the common member having a longitudinal opening 145' which receives the shaft.

Allowable Subject Matter

Claims 1-3 and 49-55 are allowable.

Response to Arguments

Applicants' arguments filed on September 01, 2005 have been fully considered but they are not persuasive of any error in view of the new ground(s) of rejections.

The request for a telephone interview is noted. However, it is believed that an interview would be more useful after applicant has had an opportunity to consider the above comments.

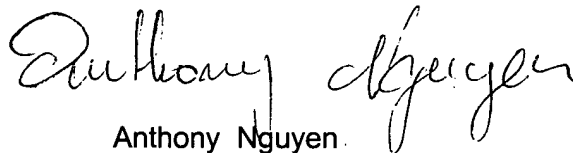
Conclusion

The patent to Ishizuka is cited to show other structure having obvious similarities to the claimed structure .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

The fax phone number for this Group is (571) 273 - 8300.

A handwritten signature in cursive script, appearing to read "Anthony Nguyen".

Anthony Nguyen
11/1/05
Patent Examiner
Technology Center 2800